

context

M E D I A

November 4, 1998

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Dear Ted,

1 Thank you for your note of October 26. I do prefer the use of our given names, as we have by now developed an agreeable rapport of a certain duration and involvement.

2 I thank you for all of the information regarding copyright issues. I am going to forward it to my lawyer along with the information he will need to contact Judy Clarke and ' I understand the libel issue to be a moot one for the same reasons you outlined.

3 Also: thank you for your advice regarding your brother, which I will heed. I will not contact him. If my lawyer still feels this to be necessary, I will not allow it to happen without having him first state his reasons for such a course of action in writing for your rejection or approval.

4 You should know that Michael Mello has told me about the 2255, and has also sent me a copy of the October 27 draft. I have told no one, and also realize that I may be out of my depth here (and perhaps out of bounds), but I would like briefly to report my reaction.

5 The tone is such that it suggests an intention to persuade by affect as well as content. I think this is a double-edged sword. As a public document, a certain amount of sympathy might not be a bad thing. As a legal document, it seems to me that a hostile audience should be expected, and the tone should adhere somewhat to the language one normally associates with protocol. Mello told me that I am mistaken on this score, but later agreed with some of the particulars I cited.

6 The following gives some examples of those particulars. I cringed at the casual tone adopted in the Table of Contents: "Sowing the Wind", "All Hell Breaks Loose", "Enter Dr. Johnson" all

seem to be inappropriately light in tone, if not glib. In addition, there are several instances of grammatical misfires that need to be addressed. I have a difficult time understanding how you could submit this document, as it now stands, *pro se*, since it has none of the accuracy of language and no-nonsense argumentation that are the hallmarks of your writing style.

7 Some other examples taken from page 2: "How Theodore Kaczynski was (Mis)Represented By His Lawyers." First of all, "by his" should not be uppercase. Second, it seems trite, and grossly inappropriate, to "play" with language by adding the parenthetical prefix. It will be clear to readers that the 2255 was compiled to redress the manner in which you were misrepresented. Another example can be found a few lines down where it is stated that your ability to conduct research and factual investigation "have (sic) been hampered severely." Such language is used for the sympathetic affect it will foster in your readers. Your readers need to be won over by argument, not an emotional appeal. Thus, it would be better to say "is of course impaired," since understatement is the more effective rhetorical trope when faced with a hostile audience, which you should anticipate.

8 The last sentence of this paragraph provides a final example: "But only a lawyer can really do it right." The tone is far too conversational. I would strike this sentence completely. I say this for two reasons. I have already given one. The other is that it makes sense to me that you should submit the 2255 *pro se*. It is after all how you wanted to proceed during your trial according to public reports. In addition, filing a successful 2255 would demonstrate your ability to represent yourself and thereby cast further doubt on Burrell's decision to deny your request.

9 Finally it seems to me, since this *is* a public document, that the long footnotes in the beginning could be bumped up to the main body of the text. Non-expert readers have a tendency to skip footnotes, and there is much of value to the motion in those footnotes.

10 The 2255 gives rise to another consideration. It seems to me that we should determine when *Truth versus Lies* should be published (i.e., before, at the same time, or after the motion is filed. This is of course a strategical decision that will have bearing on both the outcome of the motion and the sales of the book. I am not familiar enough with such motions to know what scenario would be most beneficial to the success of the motion. Please let me know what your thoughts are on this issue.

11 Thank you for getting back to me about . It should suffice to say that he is a prototypical leftist. I was aware of your stance vis-à-vis political groups of any stripe, which is why I mentioned his political position. I do not have a problem with a note in the forward that expresses gratitude while holding the notion of any further affiliation at arm's length.

My best,

Beau -